



NEWS

from the U.S. Fish and Wildlife Service

July 31, 1998

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**U.S. FISH AND WILDLIFE SERVICE SEEKS COMMENTS ON PROPOSED
COMPENSATORY WETLANDS MITIGATION POLICY ON
NATIONAL WILDLIFE REFUGES**

The U.S. Fish and Wildlife Service announced today proposed national guidelines on the use of the National Wildlife Refuge System for compensatory wetlands mitigation requirements associated with Federally permitted wetland development activities. These guidelines are now open for public comment. The proposed policy would provide guidance to Service personnel when evaluating whether a refuge should be considered for wetland restoration, enhancement, or creation to replace wetlands lost to dredge-and-fill activities authorized under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

"The American people must do everything possible to conserve our valuable wetlands. As proposed, the policy would not allow use of National Wildlife Refuge System lands as mitigation sites in most circumstances," said Jamie Rappaport Clark, director of the U.S. Fish and Wildlife Service.

The proposed policy would not allow mitigation banks to be established within the National Wildlife Refuge System. However, it would allow completed and fully functional mitigation banks to be donated to the National Wildlife Refuge System when in the interest of the Service.

The proposed policy also provides guidance on mitigation required as a result of water resource activities that occur on a national wildlife refuge. The placement of a transmission line on refuge lands along an existing right-of-way is one example of development activities that could take place on a refuge and may require compensatory mitigation. Such activities would also require a special use permit to ensure that the development activity and the mitigation are consistent with the purposes for which the refuge was established.

The proposed policy clarifies the Service's position regarding use of compensatory mitigation on lands already protected or restored under Federal conservation programs designed to increase the Nation's wetlands base. It establishes that the Service would not support use of these lands as compensatory mitigation for wetland losses due to water resource development activities. These lands include agricultural lands under conservation easement, those acquired under fee title transfers, and those subject to other Federal habitat management plans.

"The Service recognizes there are instances in which compensatory mitigation on national wildlife refuge lands could be beneficial and should be considered. But these are limited and exceptional circumstances that must be carefully evaluated on a case-by-case basis," Director Clark said. The Service proposes to apply specific criteria that examine the consistency of the mitigation project with the purposes of the refuge and the benefits of other mitigation options. Each refuge mitigation proposal will be reviewed on a case-by-case basis by Service personnel who would consider the unique habitat composition in each refuge, the benefits of restoration for each mitigation site, and the suitability of other mitigation alternatives. However, in general, compensatory mitigation would not occur on National Wildlife Refuge System lands when other mitigation options are suitable or available.

The U.S. Fish and Wildlife Service welcomes comments and information on the proposed policy on the National Wildlife Refuge System and Compensatory Mitigation under Section 10/404. All comments must be received by August 29, 1998, at the following address: Chief, Division of Habitat Conservation, U.S. Fish and Wildlife Service, 1849 C St., NW, mailstop 400 Arlington Square, Washington, DC 20240. Comments may also be submitted by fax to 703-358-1869. All comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address. To schedule an appointment, call 703-358-2161.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish and wildlife and their habitats for the continuing benefit of the American people. The Service manages the 93-million-acre National Wildlife Refuge System comprising more than 500 national wildlife refuges, thousands of small wetlands, and other special management areas. It also operates 66 national fish hatcheries and 78 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state wildlife agencies.